

## WORLD WAR I MEMORIAL ACT OF 2014

DECEMBER 8, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 4489]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4489) to designate memorials to the service of members of the United States Armed Forces in World War I, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “World War I Memorial Act of 2014”.

**SEC. 2. DESIGNATION OF NATIONAL WORLD WAR I MUSEUM AND MEMORIAL IN KANSAS CITY, MISSOURI.**

(a) DESIGNATION.—The Liberty Memorial of Kansas City at America's National World War I Museum in Kansas City, Missouri, is hereby designated as the "National World War I Museum and Memorial".

(b) CEREMONIES.—The World War I Centennial Commission (in this Act referred to as the “Commission”) may plan, develop, and execute ceremonies to recognize the designation of the Liberty Memorial of Kansas City as the National World War I Museum and Memorial.

**SEC. 3. REDESIGNATION OF PERSHING PARK IN THE DISTRICT OF COLUMBIA AS THE WORLD WAR I MEMORIAL AND ENHANCEMENT OF COMMEMORATIVE WORK.**

(a) REDESIGNATION.—Pershing Park in the District of Columbia is hereby redesignated as the “World War I Memorial”.

(b) CEREMONIES.—The Commission may plan, develop, and execute ceremonies for the rededication of Pershing Park, as it approaches its 50th anniversary, as the World War I Memorial and for the enhancement of the General Pershing Commemorative Work as authorized by subsection (c).

(c) AUTHORITY TO ENHANCE COMMEMORATIVE WORK.—

(1) IN GENERAL.—The Commission may enhance the General Pershing Commemorative Work by constructing on the land designated by subsection (a) as

the World War I Memorial appropriate sculptural and other commemorative elements, including landscaping, to further honor the service of members of the United States Armed Forces in World War I.

(2) GENERAL PERSHING COMMEMORATIVE WORK DEFINED.—The term “General Pershing Commemorative Work” means the memorial to the late John J. Pershing, General of the Armies of the United States, who commanded the American Expeditionary Forces in World War I, and to the officers and men under his command, as authorized by Public Law 89–786 (80 Stat. 1377).

(d) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—

(1) IN GENERAL.—Except as provided in paragraph (2), chapter 89 of title 40, United States Code, applies to the enhancement of the General Pershing Commemorative Work under subsection (c).

(2) WAIVER OF CERTAIN REQUIREMENTS.—

(A) SITE SELECTION FOR MEMORIAL.—Section 8905 of such title does not apply with respect to the selection of the site for the World War I Memorial.

(B) CERTAIN CONDITIONS.—Section 8908(b) of such title does not apply to this section.

(e) NO INFRINGEMENT UPON EXISTING MEMORIAL.—The World War I Memorial may not interfere with or encroach on the District of Columbia War Memorial.

(f) DEPOSIT OF EXCESS FUNDS.—

(1) USE FOR OTHER WORLD WAR I COMMEMORATIVE ACTIVITIES.—If, upon payment of all expenses for the enhancement of the General Pershing Commemorative Work under subsection (c) (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for such purpose, the Commission may use the amount of the balance for other commemorative activities authorized under the World War I Centennial Commission Act (Public Law 112–272; 126 Stat. 2448).

(2) USE FOR OTHER COMMEMORATIVE WORKS.—If the authority for enhancement of the General Pershing Commemorative Work and the authority of the Commission to plan and conduct commemorative activities under the World War I Centennial Commission Act have expired and there remains a balance of funds received for the enhancement of the General Pershing Commemorative Work, the Commission shall transmit the amount of the balance to a separate account with the National Park Foundation, to be available to the Secretary of the Interior following the process provided in section 8906(b)(4) of title 40, United States Code, for accounts established under section 8906(b)(3) of such title.

(g) AUTHORIZATION TO COMPLETE CONSTRUCTION AFTER TERMINATION OF COMMISSION.—Section 8 of the World War I Centennial Commission Act (Public Law 112–272) is amended—

(1) in subsection (a), by striking “The Centennial Commission” and inserting “Except as provided in subsection (c), the Centennial Commission”; and

(2) by adding at the end the following new subsection:

“(c) EXCEPTION FOR COMPLETION OF NATIONAL WORLD WAR I MEMORIAL.—The Centennial Commission may perform such work as is necessary to complete the rededication of the World War I Memorial and enhancement of the General Pershing Commemorative Work under section 3 of the World War I Memorial Act of 2014, subject to section 8903 of title 40, United States Code.”

**SEC. 4. ADDITIONAL AMENDMENTS TO WORLD WAR I CENTENNIAL COMMISSION ACT.**

(a) EX OFFICIO AND OTHER ADVISORY MEMBERS.—Section 4 of the World War I Centennial Commission Act (Public Law 112–272; 126 Stat. 2449) is amended by adding at the end the following new subsection:

“(e) EX OFFICIO AND OTHER ADVISORY MEMBERS.—

“(1) POWERS.—The individuals listed in paragraphs (2) and (3), or their designated representative, shall serve on the Centennial Commission solely to provide advice and information to the members of the Centennial Commission appointed pursuant to subsection (b)(1), and shall not be considered members for purposes of any other provision of this Act.

“(2) EX OFFICIO MEMBERS.—The following individuals shall serve as ex officio members:

“(A) The Archivist of the United States.

“(B) The Librarian of Congress.

“(C) The Secretary of the Smithsonian Institution.

“(D) The Secretary of State.

“(E) The Secretary of Veterans Affairs.

“(F) The Administrator of General Services.

“(G) The Secretary of Education.

**"(3) OTHER ADVISORY MEMBERS.**—The following individuals shall serve as other advisory members:

“(A) Four members appointed by the Secretary of Defense in the following manner: One from the Navy, one from the Marine Corps, one from the Army, and one from the Air Force.

“(B) Two members appointed by the Secretary of Homeland Security in the following manner: One from the Coast Guard and one from the United States Secret Service.

“(C) Two members appointed by the Secretary of the Interior, including one from the National Park Service.

**“(4) VACANCIES.**—A vacancy in a member position under paragraph (3) shall be filled in the same manner in which the original appointment was made.”.

(b) PAYABLE RATE OF STAFF.—Section 7(c)(2) of such Act (Public Law 112–272; 126 Stat. 2451) is amended—

(1) in subparagraph (A), by striking the period at the end and inserting “, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates.”; and

(2) in subparagraph (B), by striking “level IV” and inserting “level II”.

(c) LIMITATION ON OBLIGATION OF FEDERAL FUNDS.—

(1) LIMITATION.—Section 9 of such Act (Public Law 112–272; 126 Stat. 2453) is amended to read as follows:

**“SEC. 9. LIMITATION ON OBLIGATION OF FEDERAL FUNDS.**

“No Federal funds may be obligated or expended for the designation, establishment, or enhancement of a memorial or commemorative work by the World War I Centennial Commission.”.

(2) CONFORMING AMENDMENT.—Section 7(f) of such Act (Public Law 112–272; 126 Stat. 2452) is repealed.

(3) CLERICAL AMENDMENT.—The item relating to section 9 in the table of contents of such Act (Public Law 112–272; 126 Stat. 2448) is amended to read as follows:

“Sec. 9. Limitation on obligation of Federal funds.”.

#### PURPOSE OF THE BILL

The purpose of H.R. 4489 is to designate memorials to the service of members of the United States Armed Forces in World War I.

#### BACKGROUND AND NEED FOR LEGISLATION

From 1914 to 1918 World War I (WWI) took 116,516 American lives. To commemorate this sacrifice, the people of Kansas City, Missouri created a memorial featuring a 217 foot tower, which was completed in 1938. The 106th Congress recognized the memorial as a national symbol of WWI.

Pershing Park in the District of Columbia is located on 14th Street and Pennsylvania Avenue, N.W. and honors WWI General John J. Pershing. The site is currently managed by the National Park Service.

H.R. 4489 designates Pershing Park as the World War I Memorial and rededicates the Liberty Memorial of Kansas City at America’s National World War I Museum in Kansas City, Missouri as the National World War I Museum and Memorial.

The World War I Centennial Commission created by Public Law 112–272 would be authorized to enhance Pershing Park as a commemorative work by constructing an appropriate sculpture and other elements, including landscaping, to further honor the service of members of the United States Armed Forces in World War I. H.R. 4489 prohibits the use of federal funds for this project.

#### COMMITTEE ACTION

H.R. 4489 was introduced on April 28, 2014, by Congressman Emanuel Cleaver (D-MO). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. The bill was also referred to the Committee on Oversight and Government Reform. On June 10, 2014, the Subcommittee on Public Lands and Environmental Regulation held a hearing on the bill. On June 19, 2014, the Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment designated #1 to the bill; the amendment was adopted by unanimous consent. The bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

##### *H.R. 4489—World War I Memorial Act of 2014*

H.R. 4489 would designate two memorials in honor of World War I. The bill would designate the Liberty Memorial in Kansas City, Missouri, as the National World War I Museum and Memorial. The bill also would redesignate Pershing Park in the District of Columbia as the World War I Memorial and would authorize the World War I Centennial Commission to construct an additional commemorative work within that existing memorial. H.R. 4489 would prohibit the use of any federal funds for the designation, establishment, or enhancement of a commemorative work by the commission. The legislation would extend the authorization of the commission until the commemorative work has been completed. Under current law, the authorization for the commission would expire on July 28, 2019.

CBO estimates that there would be no significant federal cost to implement the legislation over the 2015–2019 period. Enacting H.R. 4489 would affect direct spending; therefore, pay-as-you-go procedures apply. The memorial project, which would be completed

without the use of federal funds, would be subject to the requirements of the Commemorative Works Act. Under that act, any entity that receives a permit to construct a memorial in the District of Columbia or its environs must donate to the National Park Service an amount equal to 10 percent of the memorial's estimated construction cost. That amount would be available to the National Park Foundation (a nonprofit organization) in future years to maintain the memorial. Enacting H.R. 4489 would not affect revenues.

H.R. 4489 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that there would be no significant federal cost to implement the legislation over the 2015–2019 period.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to designate memorials to the service of members of the United States Armed Forces in World War I.

#### **EARMARK STATEMENT**

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### **COMPLIANCE WITH PUBLIC LAW 104–4**

This bill contains no unfunded mandates.

#### **COMPLIANCE WITH H. RES. 5**

**Directed Rule Making.** The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

**Duplication of Existing Programs.** This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

#### **PREEMPTION OF STATE, LOCAL OR TRIBAL LAW**

This bill is not intended to preempt any State, local or tribal law.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

### **WORLD WAR I CENTENNIAL COMMISSION ACT**

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “World War I Centennial Commission Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

\* \* \* \* \*

[Sec. 9. Prohibition on obligation of Federal funds.]

Sec. 9. *Limitation on obligation of Federal funds.*

\* \* \* \* \*

#### **SEC. 4. ESTABLISHMENT OF WORLD WAR I CENTENNIAL COMMISSION.**

(a) **ESTABLISHMENT.**—There is established a commission to be known as the “World War I Centennial Commission”.

(b) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The Centennial Commission shall be composed of 12 members as follows:

(A) Two members who shall be appointed by the Speaker of the House of Representatives.

(B) One member who shall be appointed by the minority leader of the House of Representatives.

(C) Two members who shall be appointed by the majority leader of the Senate.

(D) One member who shall be appointed by the minority leader of the Senate.

(E) Three members who shall be appointed by the President from among persons who are broadly representative of the people of the United States (including members of the Armed Forces, veterans, and representatives of veterans service organizations).

(F) One member who shall be appointed by the executive director of the Veterans of Foreign Wars of the United States.

(G) One member who shall be appointed by the executive director of the American Legion.

(H) One member who shall be appointed by the president of the Liberty Memorial Association.

(2) **TIME FOR APPOINTMENT.**—The members of the Centennial Commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(3) **PERIOD OF APPOINTMENT.**—Each member shall be appointed for the life of the Centennial Commission.

(4) **VACANCIES.**—A vacancy in the Centennial Commission shall be filled in the manner in which the original appointment was made.

(c) **MEETINGS.**—

(1) **INITIAL MEETING.**—

(A) IN GENERAL.—Not later than 30 days after the date on which all members of the Centennial Commission have been appointed, the Centennial Commission shall hold its first meeting.

(B) LOCATION.—The location for the meeting held under subparagraph (A) shall be the America's National World War I Museum.

(2) SUBSEQUENT MEETINGS.—

(A) IN GENERAL.—The Centennial Commission shall meet at the call of the Chair.

(B) FREQUENCY.—The Chair shall call a meeting of the members of the Centennial Commission not less frequently than once each year.

(C) LOCATION.—Not less frequently than once each year, the Centennial Commission shall meet at the America's National World War I Museum.

(3) QUORUM.—Seven members of the Centennial Commission shall constitute a quorum, but a lesser number may hold hearings.

(d) CHAIR AND VICE CHAIR.—The Centennial Commission shall select a Chair and Vice Chair from among its members.

(e) EX OFFICIO AND OTHER ADVISORY MEMBERS.—

(1) POWERS.—*The individuals listed in paragraphs (2) and (3), or their designated representative, shall serve on the Centennial Commission solely to provide advice and information to the members of the Centennial Commission appointed pursuant to subsection (b)(1), and shall not be considered members for purposes of any other provision of this Act.*

(2) EX OFFICIO MEMBERS.—*The following individuals shall serve as ex officio members:*

- (A) The Archivist of the United States.
- (B) The Librarian of Congress.
- (C) The Secretary of the Smithsonian Institution.
- (D) The Secretary of State.
- (E) The Secretary of Veterans Affairs.
- (F) The Administrator of General Services.
- (G) The Secretary of Education.

(3) OTHER ADVISORY MEMBERS.—*The following individuals shall serve as other advisory members:*

(A) *Four members appointed by the Secretary of Defense in the following manner: One from the Navy, one from the Marine Corps, one from the Army, and one from the Air Force.*

(B) *Two members appointed by the Secretary of Homeland Security in the following manner: One from the Coast Guard and one from the United States Secret Service.*

(C) *Two members appointed by the Secretary of the Interior, including one from the National Park Service.*

(4) VACANCIES.—*A vacancy in a member position under paragraph (3) shall be filled in the same manner in which the original appointment was made.*

**SEC. 7. CENTENNIAL COMMISSION PERSONNEL MATTERS.**

(a) COMPENSATION OF MEMBERS.—Members of the Centennial Commission shall serve without compensation for such service.

(b) TRAVEL EXPENSES.—Each member of the Centennial Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with the applicable provisions of title 5, United States Code.

(c) STAFF.—

(1) IN GENERAL.—The Chair of the Centennial Commission shall, in consultation with the members of the Centennial Commission, appoint an executive director and such other additional personnel as may be necessary to enable the Centennial Commission to perform its duties.

(2) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Chair of the Centennial Commission may fix the compensation of the executive director and any other personnel appointed under paragraph (1)[I], *without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates.*

(B) LIMITATION.—The Chair of the Centennial Commission may not fix the compensation of the executive director or other personnel appointed under paragraph (1) at a rate that exceeds the rate of payable for [level IV] level II of the Executive Schedule under section 5315 of title 5, United States Code.

(C) WORK LOCATION.—If the city government for Kansas City, Missouri, and the Liberty Memorial Association make space available in the building in which the America's National World War I Museum is located, the executive director of the Centennial Commission and other personnel appointed under paragraph (1) shall work in such building to the extent practical.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Centennial Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any employee of that department or agency to the Centennial Commission to assist it in carrying out its duties under this Act.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chair of the Centennial Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

[f] SOURCE OF FUNDS.—Gifts, bequests, and devises of services or property, both real and personal, received by the Centennial Commission under section 6(g) shall be the only source of funds to cover the costs incurred by the Centennial Commission under this section.]

**SEC. 8. TERMINATION OF CENTENNIAL COMMISSION.**

(a) IN GENERAL.—[The Centennial Commission] *Except as provided in subsection (c), the Centennial Commission* shall terminate on the earlier of—

(1) the date that is 30 days after the date the completion of the activities under this Act honoring the centennial observation of World War I; or

(2) July 28, 2019.

(b) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Centennial Commission under this Act.

(2) EXCEPTION.—Section 14(a)(2) of such Act shall not apply to the Centennial Commission.

(c) EXCEPTION FOR COMPLETION OF NATIONAL WORLD WAR I MEMORIAL.—*The Centennial Commission may perform such work as is necessary to complete the rededication of the World War I Memorial and enhancement of the General Pershing Commemorative Work under section 3 of the World War I Memorial Act of 2014, subject to section 8903 of title 40, United States Code.*

**[SEC. 9. PROHIBITION ON OBLIGATION OF FEDERAL FUNDS.]**

**[No Federal funds may be obligated to carry out this Act.]**

**SEC. 9. LIMITATION ON OBLIGATION OF FEDERAL FUNDS.]**

*No Federal funds may be obligated or expended for the designation, establishment, or enhancement of a memorial or commemorative work by the World War I Centennial Commission.*

